



Licensing Sub Committee Hearing **Panel**

Date: Wednesday, 12 April 2023

Time: 10.00 am

Venue: Council Antechamber, Level 2, Town Hall Extension

Everyone is welcome to attend this committee meeting.

Access to the Council Antechamber

Public access to the Council Antechamber is on Level 2 of the Town Hall Extension, using the lift or stairs in the lobby of the Mount Street entrance to the Extension.

There is no public access from any other entrances of the Extension.

Membership of the Licensing Sub Committee Hearing Panel

Councillors - Flanagan, Hilal and T Judge

Agenda

1. Urgent Business

To consider any items which the Chair has agreed to have submitted as urgent.

2. Appeals

To consider any appeals from the public against refusal to allow inspection of background documents and/or the inclusion of items in the confidential part of the agenda.

3. Interests

To allow Members an opportunity to [a] declare any personal, prejudicial or disclosable pecuniary interests they might have in any items which appear on this agenda; and [b] record any items from which they are precluded from voting as a result of Council Tax/Council rent arrears; [c] the existence and nature of party whipping arrangements in respect of any item to be considered at this meeting. Members with a personal interest should declare that at the start of the item under consideration. If Members also have a prejudicial or disclosable pecuniary interest they must withdraw from the meeting during the consideration of the item.

4. Application for a New Premises Licence - Appleberry Foods Ltd, Unit 242 Apex Self Storage, Riverpark Trading Estate, Riverpark Road, Manchester, M40 2XP

5 - 44

The report of the Director of Planning, Building Control and Licensing is enclosed.

5. Application for a New Premises Licence - Sam Off Licence, 20a Swan Street, Manchester, M4 5JW

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The report of the Director of Planning, Building Control and Licensing is enclosed.

Information about the Committee

The Licensing Sub-Committee Hearing Panel fulfills the functions of the Licensing Authority in relation to the licensing of premises.

A procedure has been agreed which governs how the Panel will consider such applications.

Decisions made by the Panel will be under delegated authority and will not require to be referred to the Council for approval. Meetings are controlled by the Chair, who is responsible for seeing that the business on the agenda is dealt with properly.

Copies of the agenda are published on the Council's website. Some additional copies are available at the meeting from the Governance Support Officer.

The Council is concerned to ensure that its meetings are as open as possible and confidential business is kept to the strict minimum. When confidential items are involved these are considered at the end of the meeting at which point members of the public are asked to leave.

Smoking is not allowed in Council buildings.

Joanne Roney OBE
Chief Executive
Level 3, Town Hall Extension,
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Further Information

For help, advice and information about this meeting please contact the Committee Officer:

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**Manchester City Council
Report for Resolution**

Report to: Licensing Subcommittee Hearing Panel – 12 April 2023

Subject: Appleberry Foods Ltd, Unit 242 Apex Self Storage, Riverpark Trading Estate, Riverpark Road, Manchester, M40 2XP - App ref: Premises Licence (new) 285454

Report of: Director of Planning, Building Control & Licensing

Summary

Application for the grant of a premises licence made under the Licensing Act 2003, which has attracted objections.

Recommendations

That the Panel determine the application.

Wards Affected: Miles Platting & Newton Heath

Manchester Strategy Outcomes	Summary of the contribution to the strategy
A thriving and sustainable City: supporting a diverse and distinctive economy that creates jobs and opportunities	Licensed premises provide a key role as an employer, in regeneration, and in attracting people to the city. The efficient processing of applications as well as effective decision making in respect of them, plays an essential role in enabling businesses to thrive and maximise contribution to the economy of the region and sub-region.
A highly skilled city: world class and home grown talent sustaining the city's economic success	An effective Licensing regime will enable growth in our City by supporting businesses who promote the Licensing Objectives.
A progressive and equitable city: making a positive contribution by unlocking the potential of our communities	The Licensing process provides for local residents and other interested parties to make representations in relation to licensing applications. Representations have to be directly related to the licensing objectives.
A liveable and low carbon city: a destination of choice to live, visit and work.	An effective licensing system supports and enables growth and employment in our City with neighbourhoods that provide amenities suitable to the surrounding communities.

A connected city: world class infrastructure and connectivity to drive growth	
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Full details are in the body of the report, along with any implications for:

Equal Opportunities Policy
 Risk Management
 Legal Considerations

Financial Consequences – Revenue

None

Financial Consequences – Capital

None

Contact Officers:

Name: Fraser Swift
 Position: Principal Licensing Officer
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 E-mail: fraser.swift@manchester.gov.uk

Name: Ashia Maqsood
 Position: Technical Licensing Officer
 Telephone: 0161 234 4139
 E-mail: premises.licensing@manchester.gov.uk

Background documents (available for public inspection):

- Manchester City Council Statement of Licensing Policy.
- Guidance issued under section 182 of the Licensing Act 2003.
- Licensing Act 2003 (Hearings) Regulations 2005.
- Any further documentary submissions by any party to the hearing.

1. Introduction

- 1.1 On 14/02/2023, an application for the grant of a Premises Licence under s17 of the Licensing Act 2003 was made in respect of Appleberry Foods Ltd, Unit 242 Apex Self Storage, Riverpark Trading Estate, Riverpark Road, Manchester, M40 2XP in the Miles Platting & Newton Heath ward of Manchester. A location map and photograph of the premises is attached at **Appendix 1**.
- 1.2 A 28-day public consultation exercise was undertaken in accordance with Licensing Act 2003 regulations; requiring the application to be advertised by the displaying of a blue notice at or on the premises, a notice published in a newspaper or similar circulating in the local area, and details of the application published on the Council's website.
- 1.3 Representations may be made for or against an application during the consultation period. To be 'relevant' and, therefore, able to be taken into account in determining the application, they must be about the likely effect of the grant of the premises licence on the promotion of the licensing objectives. Where representations are made by persons who are not a responsible authority, they must not be frivolous or vexatious.
- 1.4 Relevant representations have been received in respect of this application and so it must be determined by a Licensing Hearing Panel in accordance with the Council's Constitution.

2. The Application

- 2.1 A copy of the application is attached at **Appendix 2**.
- 2.2 The applicant is Bhavinkumar Inamdar.
- 2.3 The description of the premises given by the applicant is :
- Office unit with no public access. The purpose of this application is to facilitate the logistics network in the region
- 2.4 The proposed designated premises supervisor is Bhavinkumar Inamdar
- 2.5 **The licensable activities applied for:**
- The supply of alcohol for consumption off the premises only: Mon to Sun - 24 hours per day
- 2.5.1 In accordance with the Live Music Act 2012 and Deregulation Act 2015, performances of Live Music and Recorded Music between the hours of 0800 and 2300 hours have been deregulated and so should not be regarded as licensable activities for the purposes of this application.
- 2.5.2 Any further details provided relating to any of the individual licensable activities are specified on the application form at **Appendix 2**.

2.6 **Activities unsuitable for children**

2.6.1 The applicant has not highlighted any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

2.7 **Steps to promote the licensing objectives**

2.7.1 The applicant proposes to promote the licensing objectives by taking the steps identified in the operating schedule.

2.7.2 These steps must be translated into conditions by the licensing authority to be included in any granted premises licence, unless the conditions are modified by the Panel following consideration of relevant representations. These conditions are set out in the Schedule of Conditions at **Appendix 4**.

2.8 **Further documentation accompanying the application**

2.8.1 The applicant has not submitted any documents in support of their application.

3. **Relevant Representations**

3.1 A total of 2 relevant representations were received in respect of the application (**Appendix 3**).

3.2 Responsible Authorities:

- Greater Manchester Police;
- MCC Licensing and Out of Hours Compliance Team;

3.3 Summary of the representations

Party	Grounds of representation	Recommends
GMP	GMP objected to the application on the grounds that the person responsible to oversee the sales of alcohol lives in the South of England. GMP State that this has raised concerns about the level of involvement in the day-to-day management of the business and ensuring the operating schedule is followed. GMP believe that this arrangement would undermine the licensing objectives and as such believe this application should be refused.	Refuse
Licensing and Out of Hours Compliance (LOOH)	LOOH have objected to the application on the grounds that the granting of a 24-hour licence, will increase public nuisance into the early hours of the morning. LOOH also state that the conditions offered by the applicant are vastly insufficient for the proposed 24hour operation. LOOH also have concerns that the DPS will not	Refuse

	be able to manage the premises as they live outside of Manchester .LOOH also feel that the applicant has not offered enough evidence in their application on how they will uphold the Licensing Objectives.	
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3.4 The Trading Standards team also objected to the application; however agreements were reached between all parties and the objection was subsequently withdrawn.

3.5 Conditions agreed with the Trading standards team can be found on the schedule of conditions at **Appendix 4**.

4. **Key Policies and Considerations**

4.1 **Legal Considerations**

4.1.1 Hearings under the Licensing Act 2003 operate under the Licensing Act 2003 (Hearings) Regulations 2005.

4.2 **New Information**

4.2.1 In accordance with Regulation 18 of the Licensing Act 2003 (Hearings) Regulations 2005, the authority may take into account documentary or other information produced by a party in support of their application, representations or notice either before the hearing or, with the consent of all parties, at the hearing.

4.3 **Hearsay Evidence**

4.3.1 The Panel may accept hearsay evidence and it will be a matter for the Panel to attach what weight to it that they consider appropriate. Hearsay evidence is evidence of something that a witness neither saw nor heard, but has heard or read about.

4.4 **The Secretary of State's Guidance to the Licensing Act 2003**

4.4.1 The Secretary of State's Guidance to the Licensing Act 2003 is provided for all parties involved in licensing. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.

4.4.2 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. The Guidance is therefore binding on all licensing authorities to that extent. However, the Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons.

4.4.3 Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.

4.5 **Manchester Statement of Licensing Policy**

4.5.1 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' its statement of licensing policy.

4.5.2 The Licensing Policy sets out the vision the licensing authority has for the regulation of licensed premises throughout Manchester and outlines the standards expected in order to ensure the promotion of the licensing objectives in the city. The Panel may depart from the policies should it consider doing so would benefit the promotion of the licensing objectives. Reasons are to be given for any such departure from the Policy.

4.5.3 Section 4 of the Policy (Operation of the Policy) sets out how the Licensing Policy is intended to be used in practice for licence applications and licensed premises.

4.5.4 Relevant to this application and the grounds of the representations made, the Panel are recommended to have regard to the following sections of the Policy:

Section 6: What we aim to encourage

This section identifies certain types of venues and initiatives the licensing authority aims to encourage in order to promote an inclusive evening and night-time economy not simply focused on the consumption of alcohol. We aim to encourage:

- Premises that will extend the diversity of entertainment and attract a wider range of participants
- Live music, especially original material, which will provide a range of live performances and styles of music, provided that such entertainment does not undermine the licensing objectives
- National cultural institutions, global sports events and cultural festivals
- Non-drink-led premises, including restaurants, cafes, theatres and cinemas
- Communication and integration with local residents and businesses through licensees consulting with those in the local area prior to an application
- Participation in Pubwatches, off licence forums and other crime-reduction partnerships
- Engagement with the NITENET radio scheme and DISC secure information sharing platform by city centre venues through the Cityco Manchester Business Crime Reduction Partnership
- Designing out crime in the layout of the premises

Section 7: Local factors

This section sets out key issues that applicants are expected to take into account relevant to the individual characteristics of the premises when preparing their operating schedule and address any local factors relevant to their premises.

Having regard to the grounds of the representations made, the Panel are recommended to have regard to the following Factors:

- Identified risk factors specific to the licensed premises
- Evidence of pre-existing problems in the area
- Consistency with relevant Council strategies
- The proximity of the premises to local residents and other local businesses, particularly in relation to the potential for nuisance

Section 8: Manchester’s standards to promote the licensing objectives

This section identifies the standards that the licensing authority expects of licensed premises in Manchester. It is recognised that not all standards will be appropriate to apply in every situation to every premises, and applicants are not obliged to include all standards in their operating schedule. The degree to which standards would be appropriate is expected to be proportionate to the risk posed against the promotion of the licensing objectives having regard to the individual circumstances of the premises. The standards are not exhaustive and the licensing authority will have regard to any relevant issues raised in any representation that may fall outside them.

- MS1 Implement effective security measures at the premises
- MS2 Effective general management of the premises
- MS3 Responsible promotion and sale of alcohol
- MS5 Prevent on-street consumption of alcohol
- MS8 Prevent noise nuisance from the premises
- MS10 Operate effective cleansing arrangements, including ensuring the premises and surrounding area are kept clean and free of litter, and adequate arrangements for the secure and responsible storage of refuse
- MS12 Prevent underage sales of alcohol, including proxy sales

Section 9: Alcohol delivery services

This section sets out specific provisions for alcohol delivery services to be considered in conjunction with relevant standards from Section 8 of the Policy

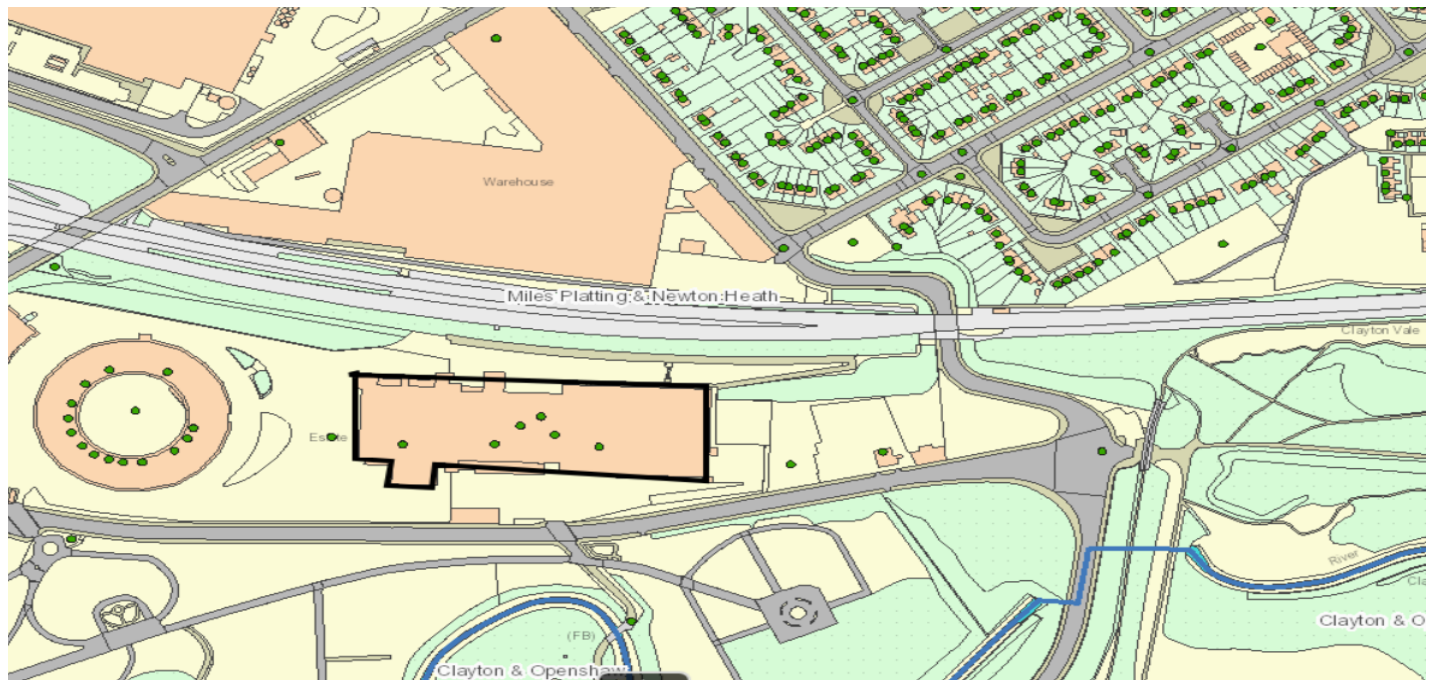
Conclusion

- 4.6 A licensing authority must carry out its functions under this Act (“licensing functions”) with a view to promoting the licensing objectives:
- the prevention of crime and disorder
 - public safety;
 - the prevention of public nuisance; and
 - the protection of children from harm.
- 4.7 In considering the matter, the Panel should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be. In reaching the decision, regard must also be had to relevant provisions of the national guidance and the Council’s licensing policy statement.

- 4.8 Having regard to the representations, the Panel must take such of the steps set out below that it considers appropriate for the promotion of the licensing objectives:
- a) To grant the licence subject to:
 - i. the conditions consistent with the operating schedule accompanying the application, which the Panel may modify to such extent as they consider appropriate, and
 - ii. any mandatory conditions that must be included in the licence;
 - b) To exclude from the scope of the licence any of the licensable activities to which the application relates;
 - c) To refuse to specify the person proposed in the application as the designated premises supervisor;
 - d) To reject the application.
- 4.9 The conditions consistent with the operating schedule may be modified to alter or omit any of them or to add any new condition, including restricting the times at which licensable activities authorised by the licence can take place.
- 4.10 All licensing determinations should be considered on the individual merits of the application.
- 4.11 The Panel's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. Findings on any issues of fact should be on the balance of probability.
- 4.12 It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal.
- 4.13 **The Panel is asked to determine the application.**

Appleberry Foods Ltd
 Unit 242 Apex Self Storage, Riverpark Trading Estate,
 Riverpark Road, Manchester, M40 2XP
 Premises Licensing
 Manchester City Council

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PREMISE NAME:	Appleberry Foods Ltd
PREMISE ADDRESS:	Unit 242 Apex Self Storage, Riverpark Trading Estate, Riverpark Road, Manchester, M40 2XP
WARD:	Miles Platting & Newton Heath
HEARING DATE:	12/04/2023

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Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Bhavinkumar Inamdar

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
APPLEBERRY FOODS LTD			
UNIT 242, APEX SELF STORAGE - SPORT CITY, Riverpark Trading Estate, Riverpark Road, Manchester,			
Post town		Postcode	M40 2XP

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£0 PREMISES NOT FOUND ON RATINGS LIST

Part 2 - Applicant details

Please state whether you are applying for a premises licence as **Please tick as appropriate**

- | | | |
|-----|--|-------------------------------|
| a) | an individual or individuals * - YES | please complete section (A) |
| b) | a person other than an individual * | |
| i | as a limited company/limited liability partnership | please complete section (B) - |
| ii | as a partnership (other than limited liability) | please complete section (B) |
| iii | as an unincorporated association or | please complete section (B) |
| iv | other (for example a statutory corporation) | please complete section (B) |
| c) | a recognised club | please complete section (B) |
| d) | a charity | please complete section (B) |

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; **(YES)** or

I am making the application pursuant to a

statutory function or

a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr	<input checked="" type="checkbox"/>	Mrs		Miss		Ms		Other Title (for example, Rev)	
Surname INAMDAR					First names BHAVINKUMAR				
Date of birth		[REDACTED]		I am 18 years old or over		Please tick yes		<input checked="" type="checkbox"/>	
Nationality									
Current residential address if different from premises address			[REDACTED]						
Post town		[REDACTED]				Postcode		[REDACTED]	
Daytime contact telephone number									
E-mail address (optional)									
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)									

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over		Please tick yes	
Nationality					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name --
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)

Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
0	8	032023

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

OFFICE UNIT WITH NO PUBLIC ACCESS FOR SALES OF ALCOHOL.

The applicant is an online retailer of high-end spirits with a nationwide reach. The purpose of this application is to facilitate the logistics network in the region, the unit will be the Manchester depot.

The website can be found at www.bottlebasket.co.uk.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J) - YES

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Tue			
Wed			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)		Indoors	
					Outdoors	
Day	Start	Finish	Both			
Mon			<u>Please give further details here</u> (please read guidance note 4)			
Tue						
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)			
Thur						
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)			
Sat						
Sun						

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon				<u>Please give further details here</u> (please read guidance note 4)	Both
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon				<u>Please give further details here</u> (please read guidance note 4)	
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Mon				Outdoors	
				Both	
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon				<u>Please give further details here</u> (please read guidance note 4)	
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	
Day	Start	Finish		Off the premises	X
				Both	
Mon	00:00	23:59	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Tue	00:00	23:59			
Wed	00:00	23:59			
Thur	00:00	23:59	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri	00:00	23:59			
Sat	00:00	23:59			
Sun	00:00	23:59			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	BHAVINKUMAR INAMDAR
Date of birth	██████████
Address	████████████████████ ████████████████████ ████████████████████
Postcode	██████████
Personal licence number (if known)	██████████

<p>Issuing licensing authority (if known)</p> <p>LONDON BOROUGH OF HARROW</p>
--

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).</p> <p>n/a</p>
--

L

<p>Hours premises are open to the public Standard days and timings (please read guidance note 7)</p>			<p>State any seasonal variations (please read guidance note 5)</p> <p>****PREMISES NOT OPEN TO PUBLIC****</p>
Day	Start	Finish	<p><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6)</p>
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			

Sun			

M

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

The premises shall operate as an on-line alcohol retailer only.

The applicant operates similar premises in several London boroughs, Oxford, Sheffield, Bournemouth, Liverpool, Newcastle, Leeds and more. There have been no known issues with any premises.

b) The prevention of crime and disorder

No sales of alcohol may be made directly to the public from the premises.

Only delivery drivers directly employed by the PLH shall conduct any sales of alcohol from the premises.

c) Public safety

No members of the public shall be permitted access to the premises to purchase alcohol.

d) The prevention of public nuisance

No promotional social media communication may be carried on for the purpose of encouraging the sale or supply of alcohol at the premises or in relation to the business operation, which can reasonably be considered to condone, encourage or glamorise antisocial behaviour or to refer to the effects of drunkenness in any favourable manner.

Delivery drivers shall conduct the delivery in a manner that will not cause a noise disturbance to the occupiers of any residential properties surrounding the delivery address. This includes the avoidance of slamming doors, playing loud music, shouting, over-revving engines and sounding horns to signal their arrival. The driver shall turn the engine off immediately upon arrival at the

delivery address and will park considerately without causing any obstruction to the highway.

e) The protection of children from harm

The Challenge 25 scheme must be operated to ensure that any person who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, photo card driving licence, an EU/EEA national ID card or similar document, an HM Forces warrant card, a card bearing the PASS hologram, or any electronic or biometric age verification technology approved by the licensing authority.

To ensure that persons purchasing alcohol via the on-line platform are over the age of 18, the company shall ensure that customers are aware that proof of ID will be a condition of sale and must be provided prior to receipt of any alcohol, delivery drivers will be instructed to ensure that the end consumer is the same individual that placed the order or no delivery shall take place.

All members of staff shall receive alcohol related training which shall include Challenge 25 and recognizing signs of intoxication. The training shall be recorded and retained by the licence holder and must be made available to authorised officers on request. Refresher training must be carried out every six months.

Any promotional material and/or any website home page used as part of the business operating under this licence will clearly state the premises licence number. For the avoidance of doubt, this includes flyers, leaflets and business cards promoting the business.

All deliveries of alcohol shall only be delivered to a premises address with a valid postcode and will only be delivered directly to that property.

Checklist:

Please tick to indicate agreement


- I have made or enclosed payment of the fee. X
- I have enclosed the plan of the premises. X
- I have sent copies of this application and the plan to responsible authorities and others where applicable. X
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. X
- I understand that I must now advertise my application. X
- I understand that if I do not comply with the above requirements my application will be rejected. X
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15). X

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	08/02/2023
Capacity	AUTHORISED AGENT

For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
-----------	--



**MANCHESTER
CITY COUNCIL**

Licensing & Out of Hours Compliance Team - Representation

Name	Ben Spencer
Job Title	Neighbourhood Compliance Officer
Department	Licensing and Out of Hours Compliance Team
Address	[REDACTED]
Email Address	[REDACTED]
Telephone Number	[REDACTED]

Premise Details	
Application Ref No	REF: 285454
Name of Premises	Appleberry Foods Ltd
Address	Unit 242 Apex Self Storage, Riverpark Trading Estate, Riverpark Road, Manchester, M40 2XP

Representation
<p>Outline your representation regarding the above application below. This representation should describe the likely effect of the grant of the licence/certificate on the licensing objectives and on the vicinity of the premises.</p> <p>The Licensing and Out of Hours Team (LOOH) have assessed the likely impact of the granting of this application considering a number of factors, including the nature of the area in which the premises is located, the hours applied for and any potential risks that the granting application could undermine the licensing objectives.</p> <p>The application is for a 24-hour alcohol licence for delivery. The applicant states they are a high-end spirits online retailer. The website, www.bottlebasket.co.uk, shows that the premises stocks all kinds of alcohol, vaping and tobacco products.</p> <p>Alcohol delivered by these services in the early hours of the morning are likely to be for immediate consumption by customers who have already been drinking alcohol, potentially for a prolonged period particularly in the very early hours between 1am and 6am.</p> <p>Should the premises be granted a 24-hour licence, there is an increasing chance of public nuisance the further into the early hours of the morning deliveries are carried out within the delivery location and at the site of the premises.</p> <p>The LOOH team believe the conditions offered by the applicant are vastly insufficient for the proposed 24hour operation.</p> <p>No conditions regarding CCTV have been offered.</p> <p>No refusals log conditions offered.</p> <p>With the appropriation of alcohol being within the licenced unit, additional conditions as to how this is being managed would be required. LOOH have</p>

recently had significant issues with similar 24 hr delivery alcohol operators allowing drivers to preload vehicles with alcohol prior to receiving orders, creating the potential for unauthorised sales and S136 offences of the Licensing Act 2003.

The proposed Designated Premises Supervisor (DPS), who is also the Premises Licence Holder / owner, is based in [REDACTED]. A DPS should be the person who has day-to-day responsibility for running the business and authorising alcohol sales, leaving the sales in the hands of unvetted delivery drivers with the potential to undermine all four licensing objectives.

Considering the above, LOOH feel that the applicant has not offered enough evidence in their application that they will operate in support of the Licensing Objectives.

Recommendation: Refuse Application

GREATER MANCHESTER POLICE - REPRESENTATION

About You

Name	Sergeant Paul O'Donnell
Address including postcode	█ ████ ████████████████████ ██████████ ██████████r
Contact Email Address	████████████████████
Contact Telephone Number	██████████

About the Premises

Application Reference No.	REF: 285454
Name of the Premises	Appleberry Food Ltd
Address of the premises including postcode	Unit 242 Apex Self Storage, Riverpark Trading Estate, Riverpark Road, Manchester, M40 2XP

Your Representation

Please outline your representation below and continue overleaf. This should describe the likely effect of the grant of the licence on the licensing objectives on and in the vicinity of the premises in question.

Please accept this as formal notification of the Greater Manchester Police objection to the premises licence application in relation to the above premises on the grounds of Prevention of Crime and Disorder, the Prevention of Public Nuisance, Public Safety and the Protection of Children from Harm.

With the nature of this application for a 24-hour delivery service GMP would expect to be able to contact with the proposed DPS to resolve any issues that may arise whilst running such a high-risk operation. The proposed DPS, the person who has day to day responsibility for the running of the business, resides in ████. This raises concerns with GMP about the how much involvement in the day-to-day management of the business and ensuring the operating schedule is followed the DPS will have. GMP believe that this arrangement would undermine the licensing objectives and as such believe this application should be refused.

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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Schedule of Licence Conditions

Conditions consistent with the operating schedule	Agreed	Proposed by
<ol style="list-style-type: none"> 1. The premises shall operate as an on-line alcohol retailer only. 2. No sales of alcohol may be made directly to the public from the premises. 3. Only delivery drivers employed by the Premises Licence Holder shall be permitted to collect alcohol from the premises. 4. No members of the public shall be permitted access to the premises to purchase alcohol 5. No promotional social media communication may be carried on for the purpose of encouraging the sale or supply of alcohol at the premises or in relation to the business operation, which can reasonably be considered to condone, encourage or glamorise antisocial behaviour or to refer to the effects of drunkenness in any favourable manner. 6. Delivery drivers shall conduct the delivery in a manner that will not cause a noise disturbance to the occupiers of any residential properties surrounding the delivery address. This includes the avoidance of slamming doors, playing loud music, shouting, over-revving engines and sounding horns to signal their arrival. The driver shall turn the engine off immediately upon arrival at the delivery address and will park considerately without causing any obstruction to the highway. 7. The Challenge 25 scheme must be operated to ensure that any person who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, photo card driving licence, an EU/EEA national ID card or similar document, an HM Forces warrant card, a card bearing the PASS hologram, or any electronic or biometric age verification technology approved by the licensing authority. 8. To ensure that persons purchasing alcohol via the on-line platform are over the age of 18, the company shall ensure that customers are aware that proof of ID will be a condition of sale and must be provided prior to receipt of any alcohol, delivery drivers will be instructed to ensure that the end consumer is the same individual that placed the order or no delivery shall take place. 9. All members of staff shall receive alcohol related training which shall include Challenge 25 and recognizing signs of intoxication. The training shall be recorded and retained by the licence holder 	N/A	Applicant

Schedule of Licence Conditions

<p>and must be made available to authorised officers on request. Refresher training must be carried out every six months.</p> <p>10. Any promotional material and/or any website home page used as part of the business operating under this licence will clearly state the premises licence number. For the avoidance of doubt, this includes flyers, leaflets and business cards promoting the business.</p> <p>11. All deliveries of alcohol shall only be delivered to a premises address with a valid postcode and will only be delivered directly to that property.</p>		
<p>Conditions proposed by objectors -Trading Standards</p> <p><i>Please note the objection was subsequently withdrawn by the Trading Standards team due to an agreement being reached.</i></p>	<p>Agreed</p>	<p>Proposed by</p>
<ol style="list-style-type: none"> 1. A log shall be kept and record all instances when alcohol has been refused for the reasons that the person(s) is, or appear to be, under 18 years of age. The log shall record the date and time of the refusal and the name of the member of staff who refused the sale. The log will be available on request by the police or an authorised officer of Manchester City Council. The log shall be checked on a regular basis by the Designated Premises Supervisor to ensure that it is being used by staff and each check shall be recorded in the log. 2. All staff engaged in the sale and delivery of alcohol will be trained with regards to the Challenge 25 policy. This training will be documented, and training should be refreshed at no greater than 6 monthly Intervals. The Premises Licence holder shall also ensure that all employees of any third party engaged in the delivery of alcohol, i.e. couriers have also been trained by their employers regarding the Challenge 25 policy. This training should also be documented. 3. At the point of delivery, the Challenge 25 policy should be operated. The only ID that should be accepted is a passport, photo driving licence, PASS accredited proof of age card or military identification card. 4. The Premises Licence Holder will ensure that a sticker is applied to all consignments of alcohol. It shall read "Note to delivery service, this package contains age restricted products. Ensure recipient is over 18". 	<p>Yes</p>	<p>Trading Standards</p>

**Manchester City Council
Report for Resolution**

Report to: Licensing Subcommittee Hearing Panel – 12 April 2023

Subject: Sam Off Licence, 20a Swan Street, Manchester, M4 5JW - App ref: Premises Licence (new) 285626

Report of: Director of Planning, Building Control & Licensing

Summary

Application for the grant of a premises licence made under the Licensing Act 2003, which has attracted objections.

Recommendations

That the Panel determine the application.

Wards Affected: Piccadilly

Manchester Strategy Outcomes	Summary of the contribution to the strategy
A thriving and sustainable City: supporting a diverse and distinctive economy that creates jobs and opportunities	Licensed premises provide a key role as an employer, in regeneration, and in attracting people to the city. The efficient processing of applications as well as effective decision making in respect of them, plays an essential role in enabling businesses to thrive and maximise contribution to the economy of the region and sub-region.
A highly skilled city: world class and home grown talent sustaining the city's economic success	An effective Licensing regime will enable growth in our City by supporting businesses who promote the Licensing Objectives.
A progressive and equitable city: making a positive contribution by unlocking the potential of our communities	The Licensing process provides for local residents and other interested parties to make representations in relation to licensing applications. Representations have to be directly related to the licensing objectives.
A liveable and low carbon city: a destination of choice to live, visit and work.	An effective licensing system supports and enables growth and employment in our City with neighbourhoods that provide amenities suitable to the surrounding communities.

A connected city: world class infrastructure and connectivity to drive growth	
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Full details are in the body of the report, along with any implications for:

Equal Opportunities Policy
Risk Management
Legal Considerations

Financial Consequences – Revenue

None

Financial Consequences – Capital

None

Contact Officers:

Name: Fraser Swift
Position: Principal Licensing Officer
Telephone: 0161 234 1176
E-mail: fraser.swift@manchester.gov.uk

Name: Patrick Ware
Position: Technical Licensing Officer
Telephone: 0161 234 4858
E-mail: premises.licensing@manchester.gov.uk

Background documents (available for public inspection):

- Manchester City Council Statement of Licensing Policy.
- Guidance issued under section 182 of the Licensing Act 2003.
- Licensing Act 2003 (Hearings) Regulations 2005.
- Any further documentary submissions by any party to the hearing.

1. Introduction

- 1.1 On 16/02/2023, an application for the grant of a Premises Licence under s17 of the Licensing Act 2003 was made in respect of Sam Off Licence, 20a Swan Street, Manchester, M4 5JW in the Piccadilly ward of Manchester. A location map and photograph of the premises is attached at **Appendix 1**.
- 1.2 A 28-day public consultation exercise was undertaken in accordance with Licensing Act 2003 regulations; requiring the application to be advertised by the displaying of a blue notice at or on the premises, a notice published in a newspaper or similar circulating in the local area, and details of the application published on the Council's website.
- 1.3 Representations may be made for or against an application during the consultation period. To be 'relevant' and, therefore, able to be taken into account in determining the application, they must be about the likely effect of the grant of the premises licence on the promotion of the licensing objectives. Where representations are made by persons who are not a responsible authority, they must not be frivolous or vexatious.
- 1.4 Relevant representations have been received in respect of this application and so it must be determined by a Licensing Hearing Panel in accordance with the Council's Constitution.

2. The Application

- 2.1 A copy of the application is attached at **Appendix 2**.
- 2.2 The applicant is Bereket Amanuel.
- 2.3 The description of the premises given by the applicant is an off licence
- 2.4 The proposed designated premises supervisor is Bereket Amanuel.
- 2.5 **The licensable activities applied for:**

The supply of alcohol for consumption off the premises only:

Sun to Thu 7am to 12 midnight, Fri to Sat 7am to 2am

Opening hours:

Sun to Thu 7am to 12 midnight, Fri to Sat 7am to 2am

- 2.5.1 In accordance with the Live Music Act 2012 and Deregulation Act 2015, performances of Live Music and Recorded Music between the hours of 0800 and 2300 hours have been deregulated and so should not be regarded as licensable activities for the purposes of this application.
- 2.5.2 Any further details provided relating to any of the individual licensable activities are specified on the application form at **Appendix 2**.

2.6 Activities unsuitable for children

2.6.1 The applicant has not highlighted any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

2.7 Steps to promote the licensing objectives

2.7.1 The applicant proposes to promote the licensing objectives by taking the steps identified in the operating schedule.

2.7.2 These steps must be translated into conditions by the licensing authority to be included in any granted premises licence, unless the conditions are modified by the Panel following consideration of relevant representations. These conditions are set out in the Schedule of Conditions at **Appendix 4**.

2.8 Further documentation accompanying the application

2.8.1 The applicant has submitted the following documents in support of their application, which are included at **Appendix 5**:

- Plan of the premises

3. Relevant Representations

3.1 A total of three relevant representations were received in respect of the application (**Appendix 3**). The personal details of all members of the public have been redacted. Original copies of these representations will be available to the Panel at the hearing.

Responsible Authorities:

- Greater Manchester Police;
- MCC Licensing and Out of Hours Compliance Team;
- MCC Trading Standards

3.2 Summary of the representations:

Party	Grounds of representation	Recommends
GMP	Concerns regarding the Prevention of Crime and Disorder the Prevention of Public Nuisance and Public Safety Licensing Objectives: The applicant has shown no understanding of how to record refusals, the PSPO in the city centre, proxy sales, where to store alcohol to prevent theft, and the regulations regarding the sale of alcohol. There is also no provision for security staff to cover late night opening and some of the conditions offered demonstrate a lack of understanding of how to manage an off licence.	Refuse

Licensing and Out of Hours Compliance	Concerns that the hours applied for could result in people leaving nearby premises at their terminal hour purchasing alcohol from the premises leading to incidents of street drinking/ASB in the area; some conditions offered are not relevant to an off licence; the lack of staff training; what forms of ID will be accepted; the lack of conditions regarding refusals; Martyn's Law and the lack of provision of door staff considering the late terminal hour.	Refuse
Trading Standards	Concerns regarding the Protection of Children from Harm Licensing Objective and the lack of detail provided regarding training, forms of ID, refusals, and proxy sales.	Refuse

- 3.3 Any conditions proposed by objectors are set out in the Schedule of Conditions at **Appendix 4**.
- 3.4 No agreements on conditions have been reached with the Responsible Authorities who have made representations.
4. **Key Policies and Considerations**
- 4.1 **Legal Considerations**
- 4.1.1 Hearings under the Licensing Act 2003 operate under the Licensing Act 2003 (Hearings) Regulations 2005.
- 4.2 **New Information**
- 4.2.1 In accordance with Regulation 18 of the Licensing Act 2003 (Hearings) Regulations 2005, the authority may take into account documentary or other information produced by a party in support of their application, representations or notice either before the hearing or, with the consent of all parties, at the hearing.
- 4.3 **Hearsay Evidence**
- 4.3.1 The Panel may accept hearsay evidence and it will be a matter for the Panel to attach what weight to it that they consider appropriate. Hearsay evidence is evidence of something that a witness neither saw nor heard, but has heard or read about.
- 4.4 **The Secretary of State's Guidance to the Licensing Act 2003**
- 4.4.1 The Secretary of State's Guidance to the Licensing Act 2003 is provided for all parties involved in licensing. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.

- 4.4.2 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must ‘have regard to’ guidance issued by the Secretary of State under section 182. The Guidance is therefore binding on all licensing authorities to that extent. However, the Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons.
- 4.4.3 Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.

4.5 **Manchester Statement of Licensing Policy**

- 4.5.1 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must ‘have regard to’ its statement of licensing policy.
- 4.5.2 The Licensing Policy sets out the vision the licensing authority has for the regulation of licensed premises throughout Manchester and outlines the standards expected in order to ensure the promotion of the licensing objectives in the city. The Panel may depart from the policies should it consider doing so would benefit the promotion of the licensing objectives. Reasons are to be given for any such departure from the Policy.
- 4.5.3 Section 4 of the Policy (Operation of the Policy) sets out how the Licensing Policy is intended to be used in practice for licence applications and licensed premises.
- 4.5.4 Relevant to this application and the grounds of the representations made, the Panel are recommended to have regard to the following sections of the Policy:

Section 6: What we aim to encourage

This section identifies certain types of venues and initiatives the licensing authority aims to encourage in order to promote an inclusive evening and night-time economy not simply focused on the consumption of alcohol. We aim to encourage:

- Premises that will extend the diversity of entertainment and attract a wider range of participants
- Live music, especially original material, which will provide a range of live performances and styles of music, provided that such entertainment does not undermine the licensing objectives
- National cultural institutions, global sports events and cultural festivals
- Non-drink-led premises, including restaurants, cafes, theatres and cinemas
- Communication and integration with local residents and businesses through licensees consulting with those in the local area prior to an application
- Participation in Pubwatches, off licence forums and other crime-reduction partnerships

- Engagement with the NITENET radio scheme and DISC secure information sharing platform by city centre venues through the Cityco Manchester Business Crime Reduction Partnership
- Designing out crime in the layout of the premises

Section 7: Local factors

This section sets out key issues that applicants are expected to take into account relevant to the individual characteristics of the premises when preparing their operating schedule and address any local factors relevant to their premises.

Having regard to the grounds of the representations made, the Panel are recommended to have regard to the following Factors:

- Proximity of takeaways and off-licences to nightlife entertainment areas

Section 8: Manchester's standards to promote the licensing objectives

This section identifies the standards that the licensing authority expects of licensed premises in Manchester. It is recognised that not all standards will be appropriate to apply in every situation to every premises, and applicants are not obliged to include all standards in their operating schedule. The degree to which standards would be appropriate is expected to be proportionate to the risk posed against the promotion of the licensing objectives having regard to the individual circumstances of the premises. The standards are not exhaustive and the licensing authority will have regard to any relevant issues raised in any representation that may fall outside them.

- MS1 Implement effective security measures at the premises
- MS2 Effective general management of the premises
- MS5 Prevent on-street consumption of alcohol
- MS8 Prevent noise nuisance from the premises
- MS12 Prevent underage sales of alcohol, including proxy sales

Conclusion

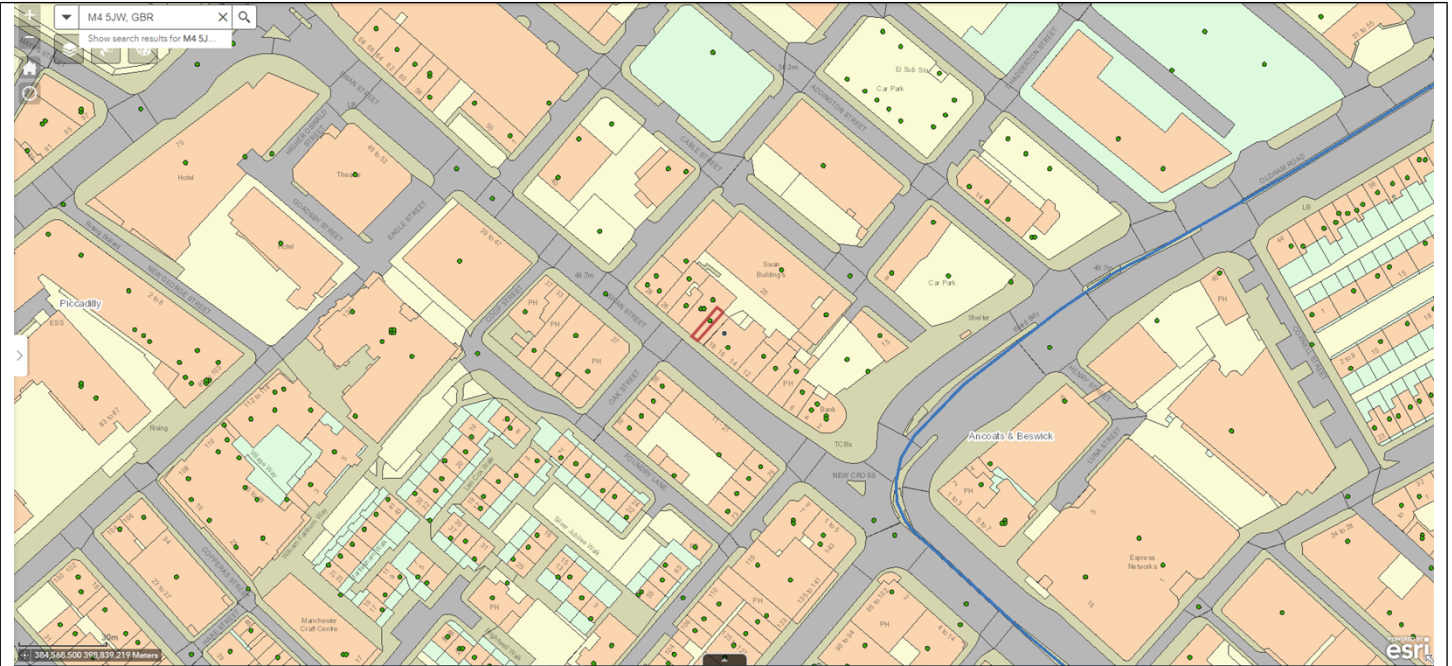
- 4.6 A licensing authority must carry out its functions under this Act ("licensing functions") with a view to promoting the licensing objectives:
- the prevention of crime and disorder
 - public safety;
 - the prevention of public nuisance; and
 - the protection of children from harm.
- 4.7 In considering the matter, the Panel should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be. In reaching the decision, regard must also be had to relevant provisions of the national guidance and the Council's licensing policy statement.
- 4.8 Having regard to the representations, the Panel must take such of the steps set out below that it considers appropriate for the promotion of the licensing objectives:

- a) To grant the licence subject to:
 - i. the conditions consistent with the operating schedule accompanying the application, which the Panel may modify to such extent as they consider appropriate, and
 - ii. any mandatory conditions that must be included in the licence;
- b) To exclude from the scope of the licence any of the licensable activities to which the application relates;
- c) To refuse to specify the person proposed in the application as the designated premises supervisor;
- d) To reject the application.

- 4.9 The conditions consistent with the operating schedule may be modified to alter or omit any of them or to add any new condition, including restricting the times at which licensable activities authorised by the licence can take place.
- 4.10 All licensing determinations should be considered on the individual merits of the application.
- 4.11 The Panel's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. Findings on any issues of fact should be on the balance of probability.
- 4.12 It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal.
- 4.13 **The Panel is asked to determine the application.**

Sam Off Licence
 20a Swan Street, Manchester, M4 5JW
 Premises Licensing
 Manchester City Council

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PREMISE NAME:	Sam Off Licence
PREMISE ADDRESS:	20a Swan Street, Manchester, M4 5JW
WARD:	Piccadilly
HEARING DATE:	12/04/2023

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Application for a premises licence to be granted under the Licensing Act 2003

Please read the following instructions first

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Bereket Amanuel

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
Sam Off Licence 20A Swan Street Manchester			
Post town	Manchester	Postcode	M4 5JW

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ 4,100

Part 2 - Applicant details

Please state whether you are applying for a premises licence as **appropriate** **Please tick as**

a)	an individual or individuals *	<input checked="" type="checkbox"/>	please complete section (A)
b)	a person other than an individual *	<input type="checkbox"/>	
	i as a limited company/limited liability partnership	<input type="checkbox"/>	please complete section (B)
	ii as a partnership (other than limited liability)	<input type="checkbox"/>	please complete section (B)
	iii as an unincorporated association or	<input type="checkbox"/>	please complete section (B)
	iv other (for example a statutory corporation)	<input type="checkbox"/>	please complete section (B)

c)	a recognised club		please complete section (B)
d)	a charity		please complete section (B)
e)	the proprietor of an educational establishment		please complete section (B)
f)	a health service body		please complete section (B)
g)	a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales		please complete section (B)
ga)	a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England		please complete section (B)
h)	the chief officer of police of a police force in England and Wales		please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
- statutory function or
- a function discharged by virtue of Her Majesty's prerogative

(A) individual applicants (fill in as applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname Bereket			First names Amanuel		
Date of birth [REDACTED]		I am 18 years old or over		Please tick yes <input checked="" type="checkbox"/>	
Nationality [REDACTED]					
Current residential address if different from premises address		[REDACTED]			
Post town	[REDACTED]	Postcode	[REDACTED]		
Daytime contact telephone number		[REDACTED]			
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service (please see note 15 for information)					

--

Second individual applicant (if applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
Date of birth or over		I am 18 years old		Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service: (please see note 15 for information)					

(B) Other applicants

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address

Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
1	6	032023

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)
Off Licence

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

--

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)	Please tick all that apply
a) plays (if ticking yes, fill in box A)	
b) films (if ticking yes, fill in box B)	
c) indoor sporting events (if ticking yes, fill in box C)	
d) boxing or wrestling entertainment (if ticking yes, fill in box D)	

e)	live music (if ticking yes, fill in box E)	
f)	recorded music (if ticking yes, fill in box F)	
g)	performances of dance (if ticking yes, fill in box G)	
h)	anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	

<u>Provision of late night refreshment</u> (if ticking yes, fill in box I)	
<u>Supply of alcohol</u> (if ticking yes, fill in box J)	✓

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon				<u>Please give further details here</u> (please read guidance note 4)	Both
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
				Outdoors	
Day	Start	Finish		Both	
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Day	Start	Finis h		Outdoors	
				Both	
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Day	Start	Finis h		Outdoors	
				Both	
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon				<u>Please give further details here</u> (please read guidance note 4)	Both
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Mon				Outdoors	
				Both	
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
				Outdoors	
Day	Start	Finish		Both	
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	
				Off the premises	✓
				Both	
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	07:00	00:00			
Tue	07:00	00:00			
Wed	07:00	00:00			
Thur	07:00	00:00			
Fri	07:00	02:00			
Sat	07:00	02:00			
Sun	07:00	00:00			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name Bereket Amanuel	
Date of birth ██████████	
Address ██████████ ██████████	
Postcode	██████████
Personal licence number (if known) 268953	
Issuing licensing authority (if known) Manchester City Council	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	07:00	00:00	
Tue	07:00	00:00	
Wed	07:00	00:00	
Thur	07:00	00:00	
Fri	07:00	02:00	
Sat	07:00	02:00	
Sun	07:00	00:00	
			Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)

M

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

A Challenge 25 policy will be strictly followed by all staff.
Staffs are trained as appropriate in respect of relevant licensing law.

b) The prevention of crime and disorder

The premises will operate Challenge 25 policy as a minimum in order to ensure that alcohol is sold only to persons of lawful age.
The Designated Premises Supervisor and their staff will at all times remain aware of their responsibilities for the prevention of crime and disorder on the premises and demonstrate a responsible attitude to the marketing and sale of alcohol.
Any person who appears drunk /aggressive will not be permitted on the premises.
CCTV images will be kept for 31 days. Images will be of good quality. Images will be retained for a period of at least 31 days and will be made available to any of the responsible authorities to view or copies produced on request. If for any reason the CCTV hard drive needs to be replaced the previous / old hard drive will be kept on site for a minimum of 31 days and made immediately available to any of the responsible authorities on request.
There will be a member of staff on site able to operate the CCTV and download images at the request of any of the responsible authorities.

c) Public safety

A fire alarm system will be installed to meet BS 5839 Part 1 current standards.
An emergency lighting system will be installed to meet BS 5266 current standards.
Firefighting equipment will be available in the premises to meet BS 5306 current standards.
Floor staff will conduct physical sweep inside the premises to remove hazardous objects/waste as deemed necessary by the management.
The Designated Premises Supervisor is aware of his responsibilities to the staff and customers in respect of public safety and will take all reasonable steps to ensure the maintenance of all provided safety arrangements and equipment in accordance with the requirements of current installations.

d) The prevention of public nuisance

Notices will be displayed at the exit of the premises asking patrons to leave the premises quietly.
All deliveries will be conducted prior to 7pm to control noise nuisance.
In conjunctions with the steps proposed for the prevention of crime and disorder objectives, the Licensees and staff will at all times remain responsible for the prevention of public nuisance in and around the premises.
The Designated Premises Supervisor will arrange to monitor levels of noise from both inside and outside the premises and remedial action will be taken as appropriate.

Doors and windows will be kept closed as deemed necessary by the Designated Premises Supervisor.

e) The protection of children from harm

The Designated Premises Supervisor and staff will at all times remain aware of their responsibilities under the objective, including that alcohol shall not be sold to anyone under the age of 18.

Staff on duty will be trained and made aware of a challenge 25 policy and the requirements and the need to demand an acceptable form of age id.

No adult entertainment is permitted at these premises

Checklist:

Please tick to indicate agreement

•	I have made or enclosed payment of the fee.	✓
•	I have enclosed the plan of the premises.	✓
•	I have sent copies of this application and the plan to responsible authorities and others where applicable.	
•	I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.	✓
•	I understand that I must now advertise my application.	✓
•	I understand that if I do not comply with the above requirements my application will be rejected.	✓
•	[Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).	

It is an offence, under Section 158 of the Licensing Act 2003, to make a false statement in or in connection with this application. Those who make a false statement may be liable on summary conviction to a fine of any amount.

It is an offence under Section 24b of the Immigration Act 1971 for a person to work when they know, or have reasonable cause to believe, that they are disqualified from doing so by reason of their immigration status. Those who employ an adult without leave or who is subject to conditions as to employment will be liable to a civil penalty under section 15 of the Immigration, Asylum and Nationality Act 2006 and pursuant to Section 21 of the same act, will be committing an offence where they do so in the knowledge, or with reasonable cause to believe, that the employee is disqualified.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	██████████
Date	09/02/2023
Capacity	Agent

For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
██ ██			
Post town	████████████████████	Postcode	██████████
Telephone number (if any)	████████████████████		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
████████████████████			

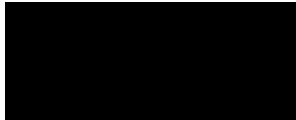
Consent of individual to being specified as premises supervisor

Bereket Amanuel

I

[full name of prospective premises supervisor]

of



[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

Premises Licence

[type of application]

by

Bereket Amanuel

[name of applicant]

relating to a premises licence

[number of existing licence, if any]

for

Sam Off Licence
20a Swan Street
Manchester
M4 5JW

[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by

Bereket Amanuel

[name of applicant]

concerning the supply of alcohol at

Sam Off Licence
20a Swan Street
Manchester
M4 5JW

[name and address of premises to which application relates]

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

268953

[insert personal licence number, if any]

Personal licence issuing authority

Manchester City Council

[insert name and address and telephone number of personal licence issuing authority, if any]

Signed



Name (please print)

BEREKET AMANUEL

Date

9/2/23

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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GREATER MANCHESTER POLICE - REPRESENTATION

About You

Name	PC 13795 Aftab Hussain
Address including postcode	1 st Floor Manchester Town Hall Extension Lloyd Street Manchester
Contact Email Address	13795@gmp.police.uk
Contact Telephone Number	0161 856 6017

About the Premises

Application Reference No.	285626/PW5
Name of the Premises	Sam Off Licence
Address of the premises including postcode	Sam Off Licence 20a Swan Street Manchester, M4 5JW

Your Representation

Please outline your representation below and continue overleaf. This should describe the likely effect of the grant of the licence on the licensing objectives on and in the vicinity of the premises in question.

Please accept this as formal notification of the Greater Manchester Police objection to the premises licence in relation to the above premises on the grounds of Prevention of Crime and Disorder the Prevention of Public Nuisance and Public Safety.

1. Monday – Sunday the business are wanting to sell alcohol from 7am till Midnight, however on Friday and Sunday they wish to sell alcohol till 02:00hrs. There is no reference to having Door Supervisor on duty as the door supervisor shall prevent crime and disorder. The sale of alcohol from 7am is not acceptable especially in the City Centre where a Night Club less than half mile away has a licence till 7am. Customers leaving that Nightclub intoxicated are able to walk past this off licence and purchase more alcohol.
2. Having spoken to the Applicant he does not want to sell alcohol from 7am but the application does not reflect this and he wants to sell confectionary.
3. There is no mention of how they are to record refusal sales.
4. The applicant was unaware of the PSPO in the City Centre.
5. The applicant was unaware of what is meant about Proxy Sales.
6. The applicant had failed to consider where the expensive alcohol will be kept. The layout of the off Licence makes it easy for shoplifters to come in and lead to an increase of Crime & Disorder.
7. The applicant who is the DPS when spoken to on Monday 12th March 2023 showed little knowledge around the rules and regulations of running an Off Licence and it was clear that he had not read the application.
8. Unfortunately the application talks about points that have no validity in the running of the Off Licence, for example:-
“The Designated Premises Supervisor will arrange to monitor levels of noise from both inside and outside the premises and remedial action will be taken as appropriate”.
“Doors and windows will be kept closed as deemed necessary by the Designated Premises Supervisor.”

This is a point that would be associated with the running of a Night Club and not an Off Licence.
Having visited the premises, it has a glass door and next to it a large floor to ceiling windows with no window opener.



**MANCHESTER
CITY COUNCIL**

Licensing & Out of Hours Compliance Team - Representation

Name	Gareth Hall
Job Title	Neighbourhood Compliance Officer
Department	Licensing and Out of Hours Compliance Team
Address	Level 1, Town Hall Extension, Manchester, M60 2LA
Email Address	gareth.hall@manchester.gov.uk
Telephone Number	0161 234 1220

Premise Details

Application Ref No	M/285626
Name of Premises	Sam Off Licence
Address	20a Swan Street, Manchester, M4 5JW

Representation

Outline your representation regarding the above application below. This representation should describe the likely effect of the grant of the licence/certificate on the licensing objectives and on the vicinity of the premises.

Licensing and out of hours (LOH) have assessed the likely impact of the grant of this application taking into account a number of factors, including, the nature of the area in which the premises is located, the hours applied for and any potential risk that the granting of this application could have, taking into account the licensing objectives specifically prevention of public nuisance.

The premises at 20a Swan street is currently a small barber shop trading as HQ Barbers, whose current trading hours are 0900 Hrs until 2000 Hrs Monday to Friday and 1000Hrs to 1700 Hrs on Sundays. The area around the premises is a variety of commercial and residential uses which are located in the Norther Quarter of the City Centre. including licensed premises the majority of which have terminal hours of 0100 Hrs. The one exception is a premises on nearby Shudehill which has a terminal hour of 0700 Hrs. The area also has a number of short term lets which have proven problematic leading to complaints relating to noise and Anti-social Behaviour (ASB).

LOH had initial concerns upon having first sight of the application:

- The hours applied for could result in people leaving nearby premises at their terminal hour purchasing alcohol from the premises leading to incidents of street drinking/ASB in the area.
- The fact that several conditions offered were not conducive to the operation of an off licence but more akin to a bar or night club.
- There is little mention of staff training in the application past Challenge 25 and acceptable forms of ID. No conditions that would be consistent with the operation of an off licence such as a refusals book.
- No provision for door staff considering the terminal hour in the application.

Due to these concerns, I emailed the applicant via the email address provided on the application on 21st February 2023 advising of LOH concerns and requesting a site meeting with the applicant.

I emailed the applicant / representative again requesting a site visit. I received an email from the representative agreeing to a site meeting at the premises on Monday 13th March 2023 at 1200 Hrs, however there was no response to the concerns highlighted in my email dated 21st February 2023.

At 1200 Hrs on Monday the 13th March 2023 I attended 20a Swan Street along with PC Hussain from GMP licensing team. The applicant arrived after a short delay with his brother, also present was one of the barbers, the applicant's representative was not present. At the conclusion of the meeting LOH had further concerns relating to the application:

- It was clear from the outset that my concerns relating to the application had not been passed to the applicant by their representative.
- The applicant had not had sight of the application submitted by their representative.
- The applicant who is also to be DPS at the premises was unable to explain what proxy sales were, advise what measures would be put in place to prevent proxy sales or to underage and/or intoxicated persons
- The applicant had no knowledge of the PSPO in place in the city centre, was unaware that the premises was near to hotspot locations of ASB/in respect of preventing street drinking and was unable to provide any measures that would support this.
- No conditions or amendments to the operating schedule provided to address responsible authorities concerns.
- Proposed terminal hour of the premises is later than the majority of licensed on premises in the vicinity again this increases the risk of ASB/street drinking by customers 'continuing their evening of drinking on the street' and provides a later supply of alcohol to the problematic short term lets.
- No consideration in regard to 'Martins Law' and actions should there be a terror incident in the vicinity such as took place in borough market area of London 2017.
- There had been no consideration by the applicant in relation to store layout and monitoring of displayed alcoholic beverages. In particular the intention to display high strength spirits openly accessible to the customer.
- During the visit the applicant stated that they would wish the authorisation to sell alcohol to start at 11am not 7am as applied for, however the applicant could not provide any measures of how the alcohol would not be exposed for sale.

Manchester City Councils Statement of Licensing Policy MS1 Implement effective security measures at the premises states - Consideration should be given to the location of alcoholic products in off-licence premises, particularly in relation to the ability of staff to effectively monitor the area in order to guard against the risks of shoplifting and to deter attempts by underage persons to purchase.

MS5 Prevent on-street consumption of alcohol states that Street drinking can be a major cause of antisocial behaviour, often involving underage persons, which gives rise to disorder, concerns over public safety and harm to children. Additionally, it is widely reported that consumption of alcohol by persons on the way to on-licensed premises gives rise to problems of drunken and disorderly behaviour. Licensees should ensure all staff are aware of the DPPO/PSPO when situated within the designated area and reinforce the No Street Drinking warning at point of sale. Other conditions may be imposed directed at avoiding problematic street drinking in the vicinity of the premises. It is clear that no consideration has been given to Manchester City Councils Statement of Licensing Policy by the applicant or their representative.

Due to the concerns outlined above, the lack of consideration of the area the premises is operating in and Manchester City Councils statement of Licensing Policy LOH ask that the application is refused.

Recommendation: Refuse Application

PLEASE NOTE: ALL REPRESENTATIONS AND SUPPORTING EVIDENCE MUST BE SUBMITTED TO MANCHESTER CITY COUNCIL WITHIN 28 DAYS, STARTING THE DAY AFTER THE PREMISES IN QUESTION MAKES AN APPLICATION (TO FIND OUT THE CLOSING DATE CALL THE LICENSING UNIT ON 0161 234 4512)

ABOUT YOU		PLEASE NOTE: LICENSING OFFICERS, LICENSING COMMITTEE MEMBERS AND THE APPLICANT CAN VIEW THE INFORMATION PROVIDED ON THIS FORM	
Your first name (required)	Your last name (required)		
Sonia	Cooke		
Your address including postcode (required)			
Trading Standards Service 1 Hammerstone Road Manchester M18 8EQ			
Contact email address	Contact phone no		
sonia.cooke@manchester.gov.uk	0161 219 2803		

ABOUT THE PREMISES
Application Ref No. (if known):
LPA 285626
Name of the Premises about which you would like to make a representation:
Sam Off Licence
Address of the Premises (including postcode if known):
20A Swan Street, Manchester, M4 5JW

YOUR REPRESENTATION
Please outline your representation below and continue overleaf. This should be the likely effect of the grant of the licence / certificate on the licensing objectives on and in the vicinity of the premises in question. (Please continue on a separate sheet of paper if necessary)
<p>The Trading Standards Service has assessed the likely impact of the granting of this application taking into account a number of factors, including the conditions offered and times applied for and any potential risk that the granting of this application could lead to issues which do not uphold the licensing objectives specifically the prevention of children from harm.</p> <p>The applicant proposes the sale of alcohol at an off licence. The applicant has offered very little to promote and uphold the licensing objectives, specifically the protection of children from harm. The conditions offered relate to Challenge 25. However, the applicant has not detailed what staff training would be given, how often it would be refreshed and if it will be documented. Although Challenge 25 is mentioned in the application, there has been no consideration given to acceptable forms of identification, the recording of refusals, or signage to promote an age verification to deter underage sales. The application submitted lacks any detail and gives concern that the applicant does not fully understand the importance of upholding the licensing objectives.</p> <p>Manchester City Councils Statement of Licensing Policy MS12 <i>Prevent underage sales of alcohol, including proxy sales</i>, states that effective and appropriate measures must be taken to ensure age restrictions are enforced at the premises. Examples given of this are details of what forms of ID are acceptable, the maintenance of refusal logs and staff training. MS12 continues stating that the licensing authorities preferred approach is a Challenge 25. This approach allows for a much stronger age verification policy as it is much easier for staff to distinguish if someone is 25 or older rather than 21.</p>

Documented staff training is also expected. It is clear that no consideration has been given to Manchester City Councils Statement of Licensing Policy.

Giving consideration to the above policy which clearly outlines expected measures to be taken at licensed premises and the conditions that the applicant has offered. The Trading Standards Service ask that the application is refused.

Supporting Evidence: In addition to your own written / oral testimony to the Licensing Sub-Committee, you may wish to provide evidence to support your representation. You will need to show how this evidence relates to the premises in question. Examples of supporting evidence include oral testimony, written testimony, noise records, video or photographic material, crime and disorder data, other statistical data, reports etc.)

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Schedule of Licence Conditions

Conditions consistent with the operating schedule	Agreed	Proposed by
<ol style="list-style-type: none"> 1. A Challenge 25 policy shall be strictly followed by all staff. Staff shall be trained as appropriate in respect of relevant licensing law. 2. The premises shall operate Challenge 25 policy as a minimum in order to ensure that alcohol is sold only to persons of lawful age. The Designated Premises Supervisor and their staff shall at all times remain aware of their responsibilities for the prevention of crime and disorder on the premises and demonstrate a responsible attitude to the marketing and sale of alcohol. Any person who appears drunk /aggressive will not be permitted on the premises. CCTV Images shall be of good quality. CCTV Images shall be retained for a period of at least 31 days and shall be made available to any of the responsible authorities to view or copies produced on request. If for any reason the CCTV hard drive needs to be replaced the previous / old hard drive shall be kept on site for a minimum of 31 days and made immediately available to any of the responsible authorities on request. There shall be a member of staff on site able to operate the CCTV and download images at the request of any of the responsible authorities. 3. A fire alarm system shall be installed to meet BS 5839 Part 1 current standards. An emergency lighting system shall be installed to meet BS 5266 current standards. Firefighting equipment shall be available in the premises to meet BS 5306 current standards. Floor staff shall conduct a physical sweep inside the premises to remove hazardous objects/waste as deemed necessary by the management. The Designated Premises Supervisor shall be aware of his responsibilities to the staff and customers in respect of public safety and shall take all reasonable steps to ensure the maintenance of all provided safety arrangements and equipment in accordance with the requirements of current installations. 4. Notices shall be displayed at the exit of the premises asking patrons to leave the premises quietly. All deliveries shall be conducted prior to 7pm to control noise nuisance. In conjunction with the steps proposed for the Prevention of Crime and Disorder objective, the Licensee and staff shall at all times remain responsible for the prevention of public nuisance in and around the premises. The Designated Premises Supervisor shall arrange to monitor levels of noise from both inside and outside the premises and remedial action will be taken as appropriate. 5. Doors and windows shall be kept closed as deemed necessary by the Designated Premises Supervisor. 6. The Designated Premises Supervisor and staff shall at all times remain aware of their responsibilities under the Protection of Children from Harm objective, including that alcohol shall not be sold to anyone under the age of 18. Staff on duty shall be trained and made aware of a Challenge 25 policy and the requirements 	N/A	Applicant

Schedule of Licence Conditions

and the need to demand an acceptable form of age ID. 7. No adult entertainment is permitted at these premises.		
Conditions proposed by objectors	Agreed	Proposed by
No conditions proposed by objectors.	N/A	N/A

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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